

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,

Case No. 1:23-mj-20235-PTM-1
Hon. Thomas L. Ludington

-vs-

RANDALL ROBERT BERKA, II

Defendant.

/

**DEFENDANT, RANDALL BERKA'S
MOTION FOR APPOINTMENT OF AN EXPERT
FOR A PSYCHOLOGICAL EVALUATION**

1. That after an arraignment on the Superceding Indictment which added felony charges the Defendant has asserted an insanity defense pursuant to 18 USC 4242.
2. That this counsel was hired with money loaned to the Defendant by his mother who now has been charged in the Superceding Indictment and who no longer will be able to provide money to Mr. Berka for his defense and no funds have been advanced to this counsel for experts or a jury trial.
3. That Mr. Berka has no funds available with which he could hire an expert to conduct a forensic evaluation and perhaps testify at trial.
4. That this counsel believes after reviewing the discovery material and having four meetings with Mr. Berka that Mr. Berka has a mental condition which may meet the federal standard of an insanity showing at trial.

5. That Defendant has a substantial mental health history having been involuntarily committed by the Saginaw County Probate Court in 2012.
6. That Dr. Jeffrey Wendt, a forensic psychologist from whose address is PO Box 26282, Lansing, Michigan 48909, who has federal court experience as an expert witness has agreed to accept a court assignment.
7. That he has unsuccessfully sought a concurrence with the US Attorney to enter a stipulated order for a forensic evaluation.

BRIEF IN SUPPORT OF MOTION
FOR APPOINTMENT OF AN EXPERT
FOR A PSYCHOLOGICAL EVALUATION

FRE.706 (a) provides for the appointment of an expert witness to assist a party on presenting his defense. The Defendant has a 6th Amendment right to present his defense and with the appointment of counsel if necessary. Holmes v South Carolina, 547 U.S. 319 (2006). Defendant relies upon this authority in making his request.

Dated: September 21, 2023

Respectfully submitted,

s/Robert J. Dunn

ROBERT J. DUNN, P33726

Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2023, I electronically filed the Motion for Appointment of an Expert for a Psychological Evaluation and Brief in Support and served all parties on this case and mailed copies to Randall Berka, the Defendant, at the Saginaw County Jail.

Dated: September 21, 2023

s/ Cynthia L. Eigner

Legal Asst. for Robert J. Dunn